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*Attorneys for Defendant BGC Partners, Inc.*

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

TULLETT PREBON, plc,

Plaintiff,

- against -

BGC PARTNERS, Inc.,

Defendant.

Civil Action No. 2:09-cv-5365 (SRC)

**NOTICE OF MOTION**

Return Date: April 5, 2010

**ORAL ARGUMENT REQUESTED**

PLEASE TAKE NOTICE, that on April 5, 2010, at 10:00 a.m. or as soon thereafter as the parties can be heard, defendant BGC Partners, Inc. ("BGC"), by its attorneys Robinson, Wettre & Miller LLC and Friedman Kaplan Seiler & Adelman LLP, shall move this Court before the Honorable Stanley R. Chesler, at the United States District Court, District of New Jersey, 50 Walnut Street, Newark, New Jersey 07101, for an order pursuant to Fed. R. Civ. P. 12(b)(6) and 12(b)(7), dismissing this action in its entirety, or, in the alternative, staying this action pending the

resolution of the arbitration before FINRA, captioned *Tullett Liberty Securities LLC v. BGC Financial, L.P., et al.*, FINRA No. 09-04973 (FINRA filed August 24, 2009).

PLEASE TAKE FURTHER NOTICE that defendant will rely upon the accompanying memorandum of law, upon the Declaration of Mala Ahuja Harker, defendant's reply papers and any additional evidence presented at the Hearing.

PLEASE TAKE FURTHER NOTICE that defendant will seek entry of the proposed Order submitted with this Notice of Motion.

PLEASE TAKE FURTHER NOTICE that oral argument is requested.

PLEASE TAKE FURTHER NOTICE, that pursuant to the Stipulation So Ordered by the Court on January 14, 2010, opposition papers, if any, shall be served on the undersigned on or before March 4, 2010, and reply papers, if any, shall be served on counsel for plaintiff Tullett Prebon, plc on or before March 19, 2010.

Dated: Newark, New Jersey  
February 11, 2010

Respectfully submitted,

ROBINSON, WETTRE & MILLER LLC

s/Donald A. Robinson

Donald A. Robinson

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-and-

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